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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1227th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 August 1997, at 10 a.m.

Chairman: Mr. BANTON

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Initial, second and third periodic reports of the former Yugoslav Republic of
Macedonia (continued) (CERD/C/270/Add.2; HRI/CORE/1/Add.83)

1. At the invitation of the Chairman, the members of the delegation of the
former Yugoslav Republic of Macedonia resumed their places at the Committee
table.
2. Mr. GARVALOV said that, unlike the reports of many new States parties,
that of the former Yugoslav Republic of Macedonia had been drafted in
accordance with the Committee's guidelines and the provisions of articles 2
to 7 of the Convention, and had been usefully updated orally. Most States
encountered severe difficulties in their transition to democracy and it was to
be hoped that Macedonia would soon be able to move forward faster in building
a genuine democracy. The Committee would give it every support, encouragement
and assistance in implementing the provisions of the Convention.
3. It was unfortunate, however, bearing in mind the problem with the
Albanians, that information which the Committee had specifically requested
under its early warning procedures on the violent incidents in Tetovo and the
Albanian university there had not been included in the report. Specific
information might also have been provided on the incidents which had taken
place in April, May and June of the current year.
4. Did the guarantees in articles 8 and 48 of the Constitution concerning
the free expression of the national identity, and the right of members of
minorities freely to express, foster and develop their identity and national
attributes and to the protection of their ethical, cultural, linguistic and
religious identity apply to all minorities in the Republic of Macedonia or
only to those listed in paragraph 57 of the report?
5. He drew attention to a discrepancy between the original language
version of article 49 of the Commission and a translation into English in
a 1991 edition of the magazine Napredok. Whereas the original version of
that article, which had in fact subsequently been amended to the effect that
the Republic would not interfere in the sovereign rights of other States and
in their internal affairs, had provided that the Republic cared for the status
and rights of the Macedonian people in the neighbouring States as well as
Macedonian expatriates, there was no definite article before "neighbouring
States" in the English translation. Such an omission could have important
political implication in terms of the inclusiveness of the provision. Some
consideration should also be given to the expressions "neighbouring States" in
article 49 and "other States" in the amendment, and to whether they meant the
same or different States.
6. According to article 51 of the Constitution the country's laws should
be in accordance with the Constitution and all other regulations should be
in accordance with the Constitution and the law. In 1994, three Macedonian
citizens of ethnic Bulgarian origin had been thoroughly searched at a border

checkpoint on their return from a visit to Bulgaria, and the Bulgarian newspapers and other publications in the Bulgarian language in their possession had been confiscated. They had been charged and sentenced on the basis of a law on the import of foreign literature and broadcasting material which had been adopted in the former Yugoslavia in 1974 and had been in force for some time in the Republic of Macedonia after independence. That law was a clear violation of article 16 of the Constitution guaranteeing free access to information and freedom to receive and transmit information; he wondered whether it had been repealed, and if so, when?

7. At the Committee's previous meeting, questions had been raised in connection with paragraphs 3 and 5 of the report. Macedonia was not the only State to have included security guarantee clauses in its Constitution, and there was nothing wrong in a State party having such clauses for security reasons.

8. Turning to paragraph 15 (a) (i) of the report, he wondered whether there was not some discrepancy between the percentages quoted in relation to the national structure of civilian personnel at the Ministry of Defence and the army and the total population figures according to declared ethnic affiliation, by citizenship, given in paragraph 57 of the report. He also wondered why the Greek and Bulgarian populations had not been included in that table. Censuses taken in the region of Macedonia during the Balkan wars and just after the First World War had listed Turks, Bulgaria, Greeks, Albanians, Wallachians, Jews, Gypsies and Serbs. Had the 1994 census forms included the various categories of ethnic affiliation given in the table and if so, why had the Greeks and Bulgarians not been included as well?

9. Noting the reference in note No. 5 at the end of the report to the signing of the Council of Europe framework Convention for the protection of national minorities and recalling a statement by the Macedonian delegation to the effect that the Macedonian Parliament had found an adequate explanation for the term "national minority", he wondered what was understood by that expression in Macedonia.

10. Mr. CHIGOVERA asked whether the equal protection clause referred to in paragraph 1 of the report, in relation to article 9 of the Constitution, included the non-citizens and persons without citizenship referred to in the table in paragraph 57 of the report. What, also, was the position of non-citizens under article 137 of the Criminal Code? As stated in paragraph 6 of the report, that article of the Criminal Code made the deprivation or limitation of human rights determined by the Constitution, by law or ratified international covenant an offence, and he wished to know how that aspect related in particular to the obligations of States parties under the Convention. For instance, article 4 of the Convention provided not for rights but for the obligation to take specific action to protect rights set forth in the Convention.

11. In connection with the right of citizens to seek the protection of the courts, discussed in paragraphs 10, 27, 32 and 34 of the report, he wondered whether the word "citizens" was all-embracing and covered non citizens as well. Similarly, to what extent did article 7 of the Act on Court Procedures,

referred to in paragraph 29, apply to everyone, including non-citizens, when non-citizens appeared not to be covered at all by the constitutional provisions?

12. Mr. SHAHI, commending the very interesting and comprehensive information on legislative and statutory provisions, which appeared adequate, noted the absence of information on the political rights of minorities such as the Albanians, Turks and others listed in the table in paragraph 57, and asked to what extent they were represented in Parliament and in the Government and generally speaking what rights they enjoyed in public life and in the political and economic field.

13. As a newly independent State, the Republic of Macedonia was to be commended for its presentation of information in the report.

14. Mr. MALESKI (The former Yugoslav Republic of Macedonia) expressed the delegation's gratitude for the Committee's interest, suggestions and recommendations. Some questions required greater preparation and detail and efforts would be made to cover them in the next periodic report.

15. It was unfortunate that the core document was not yet ready, because in preparing the report it had been expected that the demographic data included in the original version as part of its preface would be made available to the Committee. He therefore hoped that the Secretariat would distribute the detailed information as soon as possible and before the concluding observations were drafted. Detailed demographic data had also been filed by the Statistical Division of the Economic Commission for Europe (ECE).

16. The column entitled "others" in the table in paragraph 57 of the report related to some of the results of the 1994 census which had been taken with international expert assistance and the financial support of the Council of Europe and in the presence of an international census observation mission. "Others" included: Austrians 37, Bosnians 7,560, Bulgarians 1,576, Germans 35, Greeks 360, Jews 30, Egyptians 3,351, Italians 61, Muslims 16,105, Romanians 39, Russians 276, Slovaks 55, Slovenes 414, Ukrainians 96, Hungarians 132, Croats 2,420, Montenegrans 2,322, Czechs 90 and others 1,882. Among the 1,882 others were persons not wishing to declare their ethnic affiliation. It had been noted in that regard that people who had declared themselves as Yugoslavs in the 1991 census had almost disappeared from the 1994 census, possibly because they had been unwilling to identify themselves as such in the new State following the tragic events that had taken place between the two censuses. Additional data on the territorial distribution of nationalities included in "others" could be made available if the Committee so wished.

17. The free expression of national affiliation was a fundamental value of Macedonia's constitutional system. National affiliation was traditionally expressed during the censuses, but no lists or questions relating to ethnic origin were included in the census forms, although any information given by individuals was written on the form. For the 1994 census, pursuant to the Census Act, forms had been published in Albanian, Turkish, Roma, Serbian and Vlach as well as in Macedonian, and individuals had been informed of their right to choose the language in which they wished to complete the form.

Special training had been given to the census officials from the minority groups and, where necessary, the assistance of translators had also been provided.

18. Despite the efforts of census-takers, ethnic Turks and Albanians had refused to be enumerated, but the non-enumerated population of Debar accounted for only 0.6 per cent of the total population and the Council of Europe Expert Group had assured the Government of Macedonia that the census still presented a clear and reliable picture of the population of Macedonia. The information on ethnic affiliation and religion had been freely given by the respondents during the census.

19. The conditions for establishing new university-level institutions, as laid down in the law, had not been met in the case of Tetovo University, which seemed to be more the result of a political initiative than an educational effort. Efforts by the Government to accommodate higher education projects for ethnic minorities had been largely successful. Nevertheless, initiatives to educate ethnic minorities in their mother tongue should take place in compliance with international norms and within the legal framework provided.

20. A new law on religious communities had been adopted by Parliament in July 1997 and, thus far, seemed to meet with the satisfaction of the religious communities. The major religious communities in Macedonia were, in descending order of size, the Macedonian Orthodox Christians, Muslims and Catholics who traditionally coexisted peacefully. An update on the implementation of the new law would be provided in the next periodic report.

21. The problem of the enjoyment of freedom of religion and worship by the Serbian minority lay essentially in the fact that the Macedonian Orthodox Church had a different attitude towards the Holy See and the Serbian Orthodox Church had not recognized the Macedonian Orthodox Church, claiming it as its property. Members of the Serbian minority could exercise the right to freedom of religion and worship but if they established churches, such churches would be considered by the Macedonian Government as churches "in diaspora".

22. Mr. TOPOROVSKI (The former Yugoslav Republic of Macedonia) thanked the Committee for its good wishes to the Republic of Macedonia's efforts to forge a national identity and national unity while preserving its territorial integrity and said that the period of the dissolution of the former Yugoslavia had been accompanied by a period of social transformation for the people of Macedonia. Efforts had been made to create a clearly defined civic State through the operative part of the Constitution, focusing the rights enshrined therein on the "citizens" of the State, who were to be construed as members of Macedonian society, with no distinction between aliens - or "non-citizens" as they were referred to in the Convention - and nationals. The Constitution, in article 29, dealt separately with the status of foreigners and granted them freedoms enshrined in the Constitution in compliance with the laws of the land and international agreements.

23. He agreed that the concept of the civic State might be seen as compromised by the stipulation of the Macedonian language as the only official language, but the civic State had inherited the legacy of a 47-year-old nation State and it was important to preserve the Macedonian

identity, since the ethnic minorities in Macedonia had connections to more organized and established States. It was, moreover, important to preserve it as a vital ingredient in a wider European cultural diversity.

24. Replying to Mr. Wolfrum's queries about the lack of reference to the Serbian minority in the Constitution, he said that it had been considered risky to mention the tragic events of 1991, but the Serbs were in fact mentioned throughout the Constitution except in the Preamble, and indeed in the legal provisions now being drafted to incorporate the Council of Europe framework Convention on national minorities into national legislation. The intention had been to amend the Constitution as soon as possible but it had been felt that doing so in the present circumstances might prove problematic and hence it had been postponed. In view of the improved relations with the Federal Republic of Yugoslavia, the question of the Serbian minority in Macedonia was no longer an issue and it was hoped that the current situation would prove satisfactory to that minority.

25. Responding to Mr. Garvalov's comments on article 49 of the Constitution, he said that the aim of the article had been to provide for all categories of Macedonian citizens abroad. Any uncertainty about the status of minority Macedonians in neighbouring countries was due to a translation error because some such people never had been Macedonian citizens. In view of its potential for misinterpretation by the international community it had been decided to amend it promptly, in January 1992, since it had not been intended as an attempt to interfere in the domestic affairs of any State, whether neighbouring or further afield.

26. On the subject of the Bulgarian border incident referred to by Mr. Garvalov in relation to article 51 of the Constitution, he said that the Constitution was the supreme law of the land and was not to be confused with the Constitutional Law of the Republic of Macedonia of 17 November 1991, which was merely a law for the implementation of the Constitution under which the laws of the Socialist Federal Republic of Yugoslavia had been transposed mutatis mutandis into Macedonian law. In the absence of full information on the incident, his educated guess was that the confiscation had been made in application of an old federal law, which probably had its counterpart in Bulgaria. Since the transposition of Yugoslav law into Macedonian law, Macedonia had made efforts to introduce laws of its own in addition to the other laws which were already specifically related to the Republic of Macedonia.

27. The delegation of the Republic of Macedonia regretted the lack of detailed information on the Roma people in its report and would make every effort to include more such information in the next periodic report. Preliminary information showed that there were 43,707 self-declared Roma. They were not nomadic and had traditionally settled in the country. They identified strongly with the Republic of Macedonia and citizenship was granted to them on the basis of jus soli. They were divided into two main religious groups, i.e. Orthodox Christians and Muslims, both groups enjoying equal treatment under the law. By the same token they had been granted minority status under the Constitution, which guaranteed them protection as such.

28. The rate of unemployment among Roma was slightly higher than their ratio to the rest of the population. That was due mainly to their lack of sufficient labour skills. Special efforts were being made to improve their education levels and, to that end, programmes to promote minimum standards and to provide motivation for children to stay in school were being implemented. They included financial support and free books for children, as well as counselling for parents to encourage them to keep their children in school.

29. Although the Roma language was not a language of instruction, pioneering efforts had been made in the Republic of Macedonia to provide Roma grammar books and readers. Likewise, adult education programmes had been implemented through a joint programme with UNICEF.

30. Broadcasts in the Roma language stood at 20 hours for television and 174 for radio in 1994 and had been increasing thanks to the efforts of both public and private sector broadcasting stations. The Roma people were represented by two political parties, each of which had a member in Parliament. There were also two Roma representatives on the Council for Interethnic Relations. There were no reported cases of organized violence against the Roma, who enjoyed better conditions in the Republic of Macedonia than their counterparts in other countries, particularly with respect to housing, which had improved considerably thanks to bilateral help. A comparative study of the Roma had been made possible under a Central European initiative and it was hoped that further comparisons for all national ethnic minorities could be undertaken in the near future.

31. Due attention had been and was being paid to the dissemination of international documents. United Nations documents including the Charter and some of the basic human rights instruments had been published in connection with the fiftieth anniversary of the United Nations. The same was done for Organization for Security and Cooperation in Europe (OSCE) documents and it was hoped that through a special agreement with the Council of Europe documents from the Council would be translated and published in all the languages used in the Republic of Macedonia. The Council of Europe had opened an information and documentation centre in Macedonia and efforts were being made to find a location in Skopje for a United Nations information and resource centre, testimony to the confidence of the international organizations in the Republic of Macedonia's willingness to cooperate in the dissemination of international documents, which would also involve schools.

32. Mr. MALESKI (The former Yugoslav Republic of Macedonia), in reply to a request by Mr. Shahi, gave data on the representation of national minorities in political life in Macedonia: there were 55 registered political parties in Macedonia, 15 of which represented national minority interests. Of the 120 seats in Parliament in 1994, 89 were held by ethnic Macedonians, 19 by ethnic Albanians, 1 by an ethnic Turk, 1 by a Roma and 1 by an ethnic Serb. Seven members of minorities held executive power in the present Government in their capacity as ministers. Likewise, the four vice-ministerial posts were held by representatives of political parties which represented national minority interests. It was hoped that more information on minorities would be provided in the next report.

33. Mr. CELEVSKI (The former Yugoslav Republic of Macedonia) said that since its inception in 1993, the Republic Judicial Council had been a significant source of autonomous and independent authority in the jurisdiction of the Republic of Macedonia, playing an advisory role in the election of judges, including judges serving on the Constitutional Court, as well as maintaining ethical and professional standards in the judiciary. The articles of human rights conventions had been incorporated into the internal legal system in accordance with article 118 of the Constitution and further implementation of international standards was to be expected.
34. Citizens were free to form associations and societies as well as political parties duly registered in conformity with the Act on Social Organizations and Citizens' Associations and the Act on Political Parties, respectively, which also provided for their prohibition if their activities were anti-constitutional or included incitement to military aggression, ethnic, religious or racial intolerance, whereas the new Criminal Code provided for the prosecution of criminal acts against the rights and freedoms of citizens.
35. With respect to information, the Constitution guaranteed freedom of access, the free establishment of public media houses, freedom from censorship and the right to protect sources of information.
36. Referring to the international community's interest in the International Criminal Tribunal for the Former Yugoslavia (ICTY), he said that there had been no reported cases of genocide, organized groups or incitement to commit war crimes or crimes against humanity in the Republic of Macedonia.
37. Thus far, no complaints of restriction of freedom of movement and residence within the border of the State had been registered. Freedom of movement was constitutionally guaranteed and regulated under the appropriate acts which provided nonetheless for exceptions for reasons of national security.
38. Mr. MOSTROV (The former Yugoslav Republic of Macedonia) said that declining economic development and considerable financial constraints were making it difficult to provide education to members of national minorities as well as equal educational opportunities in general. His Government hoped for international assistance in developing its educational system and curricula, rebuilding the schools and providing materials and facilities.
39. He emphasized the continuous efforts to increase the enrolment ratio of students from minorities at all levels of schooling. At the pre-school level, 28.9 per cent of minority pupils received instruction in the Albanian language, 1.76 per cent in Turkish and 53 per cent in Serbian. Albanian enrolment in primary school was constantly improving as well: 28.4 per cent of primary schoolchildren from minorities attended institutions providing education in Albanian, 2.26 per cent in Turkish and 0.26 per cent in Serbian. Of the 74,803 minority children in secondary schools, 9.95 per cent received instruction in Albanian. As the report had noted, no instruction was provided in Serbian in the secondary schools because of insufficient interest and resources. The many steps taken to increase the participation and admission of members of national minorities to State institutions and to make it

possible for them to be educated in their mother tongue included the administering of secondary school entrance examinations in Albanian, Turkish and Serbian; intensified professional guidance at the primary level to direct children towards opportunities for continuing their education; and intensive programmes for training teachers in Albanian and Turkish.

40. Regarding public information on access to education, minority children were informed about new classes being offered with instruction in their mother tongue, and the number of such classes was growing constantly. Numerous meetings were organized with parents and community representatives on children's rights, the participation of girls in secondary school and access to higher education. Many in-service teacher training courses for minority language teachers were offered. The Government and the Ministry of Education subsidized the publication and purchase of primary and secondary school textbooks in the minority languages.

41. In response to Mr. Rechetov's question on the implementation of article 3 of the Act on Secondary Education, there had been an interesting case concerning a competition for the admission of pupils to a private Turkish-American college, limited to males. The Government, whose approval was required, had decided that that policy constituted discrimination on the grounds of gender and was contrary to article 9 of the Constitution and consequently to article 3 of the Act on Secondary Education, and that conditions for admission had to be in compliance with the relevant legal provisions. As a result, the first public competition for admission had been withdrawn and a revised one incorporating the requested conditions announced publicly.

42. Regarding measures taken by the Government and the Ministry for ensuring equal rights to education, a new education system and educational standards were being developed, with the assistance of international experts. Joint venture projects were under way with such partners as the Netherlands-based Foundation on Interethnic Relations, the United Nations Children's Fund (UNICEF), the Open Society Institute, and the World Health Organization. The Pedagogical Institute was doing a comparative analysis of history and geography textbooks in the former Yugoslav Republic of Macedonia and Turkey aimed at eliminating phrases that fuelled hatred. National minorities were represented in the Ministry of Education, where the Deputy Minister, the Assistant Minister for Primary Education and several advisers were Albanians, and at the Pedagogical Institute there were several advisers for instruction in minority languages.

43. Education was faced with numerous problems, although some 18 per cent of the budget was devoted to it. The Government was fully aware of the need to develop a policy for planning educational development and to reconsider public expenditures on education.

44. Mr. TODOROVSKI (The former Yugoslav Republic of Macedonia) said his Government believed the definition of national minorities made by the Venice Commission of the Council of Europe was the best available and was trying to make national practice compatible with the framework Convention for the protection of national minorities. The Government was open to the idea of all

minorities claiming a certain status, as article 8 of the Constitution clearly advocated the free expression of national identity. During censuses, no one was bound to choose their nationality from the given list.

45. Under the Constitution, members of national minorities were entitled freely to express, foster and develop their national identity and attributes; the Republic also guaranteed the protection of the ethnic, cultural and religious identity of minorities. Macedonian citizens of Bulgarian origin, for example, had their own newspaper, which was widely available. Whenever minorities tried to foster their identity, the State was bound to assist their efforts, and there was no record of any requests having been denied. There were, however, a total of 24 minorities, and if the State attempted to give each of them the same opportunities on an equal footing, it would be rather expensive.

46. Following on from the State party's declaration under articles 25 and 46 of the European Convention on Human Rights, it was only a matter of time, and parliamentary procedure, before the Republic adopted its declaration under article 14 of the Convention. The same opportunity might be used to propose the establishment of a national commission on human rights and to propose acceptance of the amendment to article 8, paragraph 6, of the Convention and the related financial arrangements.

47. Mr. MALESKI (The former Yugoslav Republic of Macedonia) said that article 49 of the Constitution had been of concern to some neighbouring countries, leading promptly to the adoption of amendments by which the country was in full compliance with the legal norms and standards of international organizations and practice. The Constitutions of some of those neighbouring countries were also of concern to his Government, and he agreed with Committee members that those concerns could be overcome by mutual cooperation between countries. Specific agreements had already been signed with the nation's four immediate neighbours, as well as with Croatia and Turkey; and agreements were being prepared with Romania and Bulgaria. The situation in Albania did not yet allow for an agreement, but a proposal had been made and accepted. Relations with the Federal Republic of Yugoslavia had been regulated, and the interim accord with Greece provided a solid basis for good cooperation and avoiding misunderstandings. More information would be furnished in the next report.

48. Mr. DIACONU said minorities were not entitled in any country to have universities providing education in their mother tongue; as long as there was education in the mother tongue at the highest level, a country was fulfilling its obligations concerning mother-tongue education. Those obligations did not include the administration of a university, but only teaching.

49. Competition or conflict did exist between Churches in other countries over property or goods, thereby denying the rights of believers to practise their religion. It was best for the State not to be involved in that issue but to call upon the Churches to solve the problem on the basis of the principle that Churches belonged to their followers; freedom of religion was at stake.

50. The next report should include a better explanation of what was meant by the heading "unknown" in the table in paragraph 57 of the report on declared ethnic affiliation.

51. Mr. GARVALOV said he was grateful for the delegation's clarifications about the amendment to article 49 of the Constitution as he had wondered why the amendment referred to "other States" whereas the original language used the term "neighbouring States", and perhaps "other States" excluded neighbouring States. He hoped that Bulgaria was not among the neighbouring countries to which that article was of concern, as he did not think it concerned Bulgaria as much as it might concern others. He accepted the census information provided in response to his question about Bulgarians and Greeks. His only concern was that articles 8, 16 and 48 of the Constitution would apply equally to Bulgarians, and that no pressure would be put on them or on any other national minorities to forgo their origins. The 1994 incident involving three Macedonian citizens who had professed their Bulgarian identity was an example of how matters might become difficult and be considered disturbing by neighbouring countries; could the delegation check whether it had really been a case of reciprocity?

52. There were several schools of thought on the definition of a national minority by comparison with the Council of Europe framework Convention. The United Nations had never come up with a definition of a minority or national minority; not even in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Was a national minority national because it was a part of the nation within which it was living, or because it was a part of a neighbouring nation? For one part of Europe, the second eventuality would not cause any problems; for another - south-eastern Europe - it was pregnant with many repercussions on neighbourly and inter-State relations.

53. Mr. MALESKI (The former Yugoslav Republic of Macedonia) thanked members for their questions and comments. His delegation was happy to continue the constructive dialogue which had been established with the Committee, and would endeavour to cover any unanswered questions in the next periodic report.

54. Mr. RECHETOV (Country Rapporteur) thanked the delegation for its detailed answers to the Committee's questions. He hoped that the next periodic report would contain more specific information about the relations between the various religious denominations in Macedonia. If two Churches laid claim to the same property and there were disputes of competence, there were bound to be conflicts. The problems between the Macedonian Orthodox Church and the Serbian Orthodox Church should be resolved according to the law and taking into account the views of the members of both Churches. The Macedonian delegation seemed to suggest that the problem might be resolved by treating the Serbian Orthodox Church as a foreign Church, but he did not believe that was possible when it had previously been the official Church of the country.

55. The Committee had asked about the status of Tetovo University. He had come across a similar situation during his goodwill mission to Kosovo on behalf of the Committee some years before. The problem there had not seemed to be one of the curriculum, but merely of an unwillingness by the parties to

overcome administrative barriers. A second, parallel system of education had grown up, which had split the university in two. Naturally, the issue was an internal one for the Macedonian authorities to decide, but he called upon the Government to reduce the potential for conflict as far as possible.

56. He was satisfied with the delegation's explanation of the national minorities issue. There was no need for a rigorous definition of the term "national minorities", even if such a thing were possible. In a census or election, people should have the freedom to choose the ethnic group to which they considered they belonged, rather than having it prescribed by some public authority.

57. The delegation had spoken of the situation of Macedonian minorities in other countries, citing article 49 of the Constitution. He hoped that article 49 - and indeed the entire Constitution - would be supplied in one of the working languages of the Committee when Macedonia submitted its next report. In his view, it was less of a political issue, as had been suggested, than a purely human one. He was glad to hear that bilateral agreements were being drawn up with neighbouring States, but he was still concerned about the apparent existence of different categories of Macedonians, according to the country where they had settled. Naturally, the situation of an emigrant would vary, depending on where he or she had settled, but it was dangerous to make distinctions. He had also been concerned at the delegation's assertion that Macedonians had only one State, which might be used as an excuse to refrain from improving conditions for them in their new countries.

58. The CHAIRMAN said that the Committee's first meeting with a State party was always a special occasion. The Convention was being applied in situations, such as that of eastern Europe, which its originators had never imagined: however its aim - to build an international community free from all forms of racial segregation and racial discrimination - was valid for all countries. He hoped that Macedonia would see its dialogue with the Committee not as merely a bilateral matter, but as an opportunity to communicate with all the other States parties which were striving towards the same ends.

59. The delegation of The former Yugoslav Republic of Macedonia withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

60. Mr. ABOUL-NASR recalled his proposal that the Committee should discuss changes in the way it prepared its concluding observations on the reports of States parties. Under article 9, paragraph 2, of the Convention, the concluding observations were intended to take into consideration the comments of States parties, but at present they did not do so. It might not be possible to use the new format at the current session, since some concluding observations had been adopted earlier in the year, but the Committee should at least agree on what form the new concluding observations should take so that they could be used from 1998.

61. The CHAIRMAN said that he had understood from the discussion that the Committee wished to return to the issue when it had a set of draft concluding observations before it, in order to make the discussion easier.

62. Informing the Committee of a change in the timetable for consideration of the periodic report of Burundi, he said, in reply to a question by Mr. DIACONU, that it had been impossible to accommodate a request from Burkina Faso for a change of date because of a lack of secretariat support.

63. Mr. SHERIFIS asked when the Committee was due to consider the implications of Mr. Alston's report on the effective functioning of the treaty bodies (E/CN.4/1997/74).

64. He agreed that any change to the format of the concluding observations should not be introduced until the next session in March 1998.

65. Mr. PECHETOV said that members should suggest amendments to the concluding observations as each set of draft observations was considered, and that the Chairman should draw up a list of proposed changes at the end.

66. He asked for the Committee to be informed in writing of any changes to the timetable, for instance by regular updates of the programme of work.

67. Surely the necessary secretariat support should have been forthcoming to accommodate the request of the delegation of Burkina Faso?

68. Mr. ABDEL-NASR said in response to a comment by the CHAIRMAN that staffing problems during the holiday season was no excuse. The scheduling of the Committee's session in August had been imposed upon it.

69. Mr. SHERIFIS said that the situation was particularly unfortunate because Burkina Faso was a small, poor, developing country - exactly the sort of country the Committee should be trying to help.

70. The CHAIRMAN explained that the secretariat staff responsible for the Committee also had to work for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which met at the same time.

Draft general recommendation concerning indigenous peoples
(CERD/C/51/MISC.13/Rev.1) (continued)

71. Mr. WOLFRUM introduced the revised draft prepared by himself, Mr. van Boven and Mr. Yutzis. The format had been changed to match that of previous general recommendations, but the substance was unchanged. The substantive paragraphs - 4 and 5 - called upon States parties to protect indigenous peoples' culture, dignity, rights and economic and social development, to give them equal rights to participate in public life and to protect their right to own, develop and use their traditional communal lands.

72. The CHAIRMAN said that the Bureau would determine an appropriate time for further discussion.

The meeting rose at 1 p.m.